



**NEWTON ZONING BOARD of ADJUSTMENT
PUBLIC MEETING MINUTES
of January 5th, 2022**



The Newton Zoning Board of Adjustment public meeting was called to order at: 7:30 PM

Present were Mr. Kozec Mr. French Mr. Hamel Mr. Gibbs

Also Present: James Doggett – ZBA AA

1. Public Hearing

Chairman Kozec opened the public hearing at 7:32 PM and read:

Richard & Donna Labell and Daniel Willett of Newton, NH, request a public hearing for Relief from Section XV.2 (specifically size of lot) for the Lot Line Adjustment between their properties at 48 & 50 North Main Street, Newton NH. The properties are referenced as Tax Map 10, Block 2, Lots 24 & 25.

SECTION XV RESIDENTIAL A ZONE AREA REGULATIONS

2. Lot Area: No building except those as allowed in Section XIV and its accessory buildings may be erected on a lot. Each lot shall have not less than 150 feet continuous frontage on a Class I, II, III, IV, or V Highway (Amended March 1988), and an area of not less than 60,000 square feet (Amended November 1986), based on the Model Subdivision Regulations for Soil Based Lot Size (Copy available through the Rockingham County Conservation District); (Amended March 1995) provided that one dwelling may be erected on a lot having lesser dimension if petitioner can show by recorded deed or plan that said lot existed at the time this bylaw was adopted.

Mr. Labell explained the reason for the Lot Line Adjustment (LLA) was to make the 2 lots similar in size and to allow Mr. Willet to have more land should the need arise for things like a new septic system. The lot had been subdivided prior to the adoption of the Zoning Ordinances and therefore neither lot was conforming as it presently existed.

Chairman Kozec closed the public hearing at 7:40PM.

Chairman Kozec asked Administrative Assistant Doggett to read the criteria and to poll the Board after each was read:

Criteria #1. Granting the variance would not be contrary to the public **interest**:

Mr. Gibbs - Aye, Mr. French – Aye, Mr. Hamel – Aye Mr. Kozec – Aye

Criteria #2. If the variance were granted, the **spirit** of the ordinance would be observed:

Mr. Gibbs - Aye, Mr. French – Aye, Mr. Hamel – Aye Mr. Kozec – Aye

Criteria #3. Granting the variance would do substantial **justice**:

Mr. Gibbs - Aye, Mr. French – Aye, Mr. Hamel – Aye Mr. Kozec – Aye

Criteria #4. If the variance were granted, the **values** of the surrounding properties would not be diminished:

Mr. Gibbs - Aye, Mr. French – Aye, Mr. Hamel – Aye Mr. Kozec – Aye

Criteria #5. Unnecessary Hardship

- a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in **unnecessary hardship**:

Mr. Gibbs - Aye, Mr. French – Aye, Mr. Hamel – Aye Mr. Kozec – Aye

Mr. French **MOVED** to grant the variance the variance with the following conditions precinct:

1. Identify in the legend those lines on the drawings created by –X—X—
2. Show on the drawings the location of the Labell's septic, leach field and well

Mr. Hamel seconded the Motion.

Chairman Kozec asked Administrative Assistant Doggett called the roll:

Mr. Gibbs - Aye, Mr. French – Aye, Mr. Hamel – Aye Mr. Kozec – Aye

The **VOTE** was unanimous

Chairman Kozec stated the decision of the Board.

2. Board Business

- a. Acceptance of minutes of the 11/9/21 meeting

Mr. Hamel **MOVED** to approve the minutes with the following corrections: Remove the words "with the following corrections:" as there were no corrections needed.
Mr. Gibbs seconded the Motion.

Chairman Kozec asked Administrative Assistant Doggett called the roll:

Mr. Gibbs - Aye, Mr. French – Aye, Mr. Hamel – Aye Mr. Kozec – Aye

The **VOTE** was unanimous

b. ZBA Escrow Manifest

Mr. Hamel **MOVED** to pay the ZBA Escrow Manifest dated 1-5-22 in the amount of \$63.72
Mr. Gibbs seconded the Motion.

Chairman Kozec asked Administrative Assistant Doggett called the roll:

Mr. Gibbs - Aye, Mr. French – Aye, Mr. Hamel – Aye Mr. Kozec – Aye

The **VOTE** was unanimous

Mr. Hamel moved to go to a hybrid version of meetings with a virtual aspect, at the chair's discretion; this process to be reviewed in 90 days. Mr. Gibbs seconded the motion.

Chairman Kozec asked Administrative Assistant Doggett called the roll:

Mr. Gibbs - Aye, Mr. French – Aye, Mr. Hamel – Aye Mr. Kozec – Aye

The **VOTE** was unanimous

3. Adjourn.

Chairman Kozec adjourned the meeting at: 8:02PM.

Respectfully submitted.

James L. Doggett
ZBA Administrative Assistant